



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

March 24, 2023

Re: Supplemental Response to FOIA Request NLRB-2023-000705

Dear Garrick Gulino (McGann Ketterman & Rioux):

This is a supplemental response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on January 31, 2023, in which you seek all correspondence, including, but not limited to: letters, emails, transcripts or records of voicemail messages, phone calls or records of any other communications from the Charged Party in *International Brotherhood of Electrical Workers, Local 601 (Denk & Roche Builders, Inc.)*, Case No. 25-CD-309957.

We provided a response to this request on March 2, 2023. In a telephone conversation between you and a member of my staff on March 3, 2023, you indicated that you did not receive a copy of the Charged Party's Disclaimer of Interest, which you believed to be in the file, and you asked that we conduct another search of the case file.

Additional search efforts were conducted of the Agency's electronic casehandling system, NxGen, to locate the requested Disclaimer of Interest and any additional records submitted by the Charged Party that were not provided in our March 2, 2023 response. While conducting our search, we discovered that the Disclaimer of Interest, as well as another document, were filed incorrectly, which is why our original search did not yield those records. The requested records, consisting of six pages, are attached.

After a review, I have determined that portions of the attached records are exempt from disclosure under Exemptions 6 and 7(C) of the FOIA (5 U.S.C. § 552(b)(6) and (b)(7)(C)). Specifically, redactions have been made to protect the privacy interests of individuals named in the records. These redactions were made pursuant to FOIA Exemption 6, which pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA Exemption 7(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C).

March 24, 2023

Page 2

As previously stated, for the purpose of assessing fees, we placed you in Category A, commercial use requester. Thirty minutes of professional time was expended in searching for and reviewing for release the requested material. However, as a matter of administrative discretion, the Agency is voluntarily providing the requested records to you at no cost. Accordingly, no payment is due for this supplemental release. Please note that this voluntary disclosure is non-precedential.

You may contact Lalitta Gillis who processed your request, at (202) 273-0101 or by email at Lalitta.Gillis@nrlb.gov, as well as the Agency's FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at: Nancy E. Kessler Platt

March 24, 2023

Page 3

Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (six pages)